

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BABYAGE.COM, INC.,

Plaintiff-Counterclaim Def.,

v.

LEACHO, INC.,

Defendant-Counterclaim
Plaintiff/Third Party Plaintiff,

and

JAMIE S. LEACH,

Counterclaim Plaintiff/ Third
Party Plaintiff,

v.

JOHN M. KIEFER, JR.,

Third Party Defendant

CIVIL ACTION NO. 3:CV-07-1600

(JUDGE CAPUTO)

CASE MANAGEMENT ORDER

A case management conference was conducted in the above captioned matter on May 20, 2008. Participating on behalf of Plaintiff/Counterclaim Defendant and Third Party Defendant was Andrew J. Katsock, Esquire. Participating on behalf of Defendant/Counterclaim Plaintiff/Third Party Plaintiff was Gary S. Peterson, Esquire and Sean V. Kemether, Esquire.

The purpose of this order is to set forth the pretrial schedule established as a result of the conference. It is hereby ORDERED that:

1. Claims Construction (*Markman*) Briefs shall be filed on or before **July 11, 2008**. Rebuttal briefs shall be filed on or before **July 21, 2008**.

2. Pursuant to the Expense and Delay Reduction Plan adopted by this court, this case is assigned to the "standard" case management track, and shall be placed on the **April, 2009**, trial list of this court. **The trial will not be continued because the parties wish to mediate or engage in other alternative dispute resolution. Any mediation or alternative dispute resolution should take place so as not to cause a request for a delay of the trial.**

3. All discovery shall be commenced in time so as to be completed by **November 1, 2008**.

4. Motions for joinder of parties shall be filed no later than **July 31, 2008**.

5. Motions to amend pleadings shall be filed no later than **July 31, 2008**.

6. Plaintiffs shall comply with the requirements of Fed. R. Civ. P. 26(a)(2) with respect to expert witnesses no later than **November 1, 2008**. Defendants shall comply with the requirements of Fed. R. Civ. P. 26(a)(2) with respect to expert witnesses no later than **December 1, 2008**. Supplemental expert reports shall be due **December 15, 2008**.

7. Disclosures required by Fed. R. Civ. P. 26(a)(3) shall be made by **December 1, 2008**.

8. All dispositive motions, **together with supporting briefs**, shall be filed by **December 1, 2008**. The deadline for in limine motions will be set by further order of this court.

9. A pretrial conference will be held in **March, 2009**, date and time to be announced, in my chambers, Suite 235, Max Rosenn United States Courthouse, 197 S.

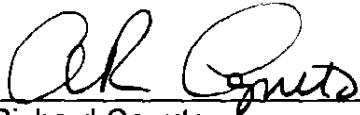
Main Street, Wilkes-Barre, Pennsylvania. Since settlement will be discussed at the pretrial conference, counsel and/or others with settlement authority shall be present at the pretrial conference.

10. No discovery motions shall be filed until after the disputing parties have conferred with the court in an effort to resolve the discovery dispute. The discovery conference with the court may be conducted by telephone at the request of any of the disputing parties.

11. No document may be faxed to chambers or to the Clerk's office. The Court will take no action based on facsimile documents.

12. The Court will take no action based on correspondence. Counsel must adhere to the motion practice set forth in the rules.

Date: May 21, 2008


A. Richard Caputo
United States District Judge